

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: CONRAD D. TAMEA, JR., M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Conrad D. Tamea, Jr., M.D. ("Dr. Tamea"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, et seq.

FINDINGS OF FACT

1. Dr. Tamea currently holds a license to practice medicine in the State of West Virginia, License No. 12092, issued originally in 1979. Dr. Tamea's address of record is in St. Petersburg, Florida.
2. On April 12, 2007, the Board of Medicine for the State of Florida ("Florida Board") entered a Notice of Intent to Approve Licensure with Conditions ("Notice") in connection with the application of Dr. Tamea for licensure by endorsement to practice medicine in the State of Florida.
3. In the Notice, the Florida Board Ordered that Dr. Tamea's application for licensure be approved subject to certain conditions, including the requirement that Dr. Tamea work under the indirect supervision of a Florida licensed physician for a period of one (1) year, and that Dr. Tamea submit additional documentation to the Chairman of the Credentials Committee of the Florida Board.
4. In the Notice, the Florida Board also stated: (1) "The Applicant (Dr. Tamea) appeared before the Credentials Committee and presented testimony regarding the

application file”; (2) “Dr. Tamea’s application file demonstrates that he may not be able to practice medicine with reasonable skill and safety, in violation of . . . Florida Statutes”; and (3) “The terms of this Order are considered conditions for licensure.”

5. On May 17, 2007, Dr. Tamea signed his Application for Renewal of License to Practice Medicine and Surgery in the State of West Virginia (“Application”) for the period from July 1, 2007, to June 30, 2009. On page five (5) of the Application, Dr. Tamea was required to answer the following questions:

During the last two-year registration period (July 1, 2005, to June 30, 2007) have you, in any jurisdiction, for any reason:

1. been called before or appeared before any board or panel for discussions or questions concerning violations of the law or rules pertaining to the practice of medicine, or for unethical conduct?; and

...

4. had imitations, restrictions or conditions placed upon your license to practice, or had your license to practice suspended, revoked or subjected to any kind of disciplinary action, including censure, reprimand or probation, and/or are any disciplinary actions pending against you?

6. Dr. Tamea’s answers to the preceding questions (“no” in both instances) on his West Virginia Application, which he signed on May 17, 2007, more than one (1) month after entry of the April 12, 2007, Notice by the Florida Board, appear to be in conflict with certain provisions of the Notice entered by the Florida Board. A copy of the Notice entered by the Florida Board is attached hereto and incorporated herein by reference.

7. On January 13, 2008, the Complaint Committee ("Committee") of this Board initiated a Complaint against Dr. Tamea based upon Dr. Tamea's answers to Question Nos. 1 and 4 on his West Virginia Application, and the prior action of the Florida Board.

8. By correspondence dated February 1, 2008, Dr. Tamea denied the allegations in the Complaint because he did not receive a Florida license until after the conditions described in the Notice entered by the Florida Board were met.

9. Dr. Tamea now wishes to enter into this Consent Order to settle this matter.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause may exist to substantiate charges against Dr. Tamea pursuant to W. Va. Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(a), relating to making a false statement in connection with an application for license.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Tamea and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Tamea enters into this Consent Order.

CONSENT

Conrad D. Tamea, Jr., M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Tamea acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.

2. Dr. Tamea further acknowledges that he has the following rights, among others: the right to a formal hearing before the Board; the right to reasonable notice of said hearing; the right to representation by counsel at his own expense; and the right to cross-examine witnesses against him.

3. Dr. Tamea waives all rights to such a hearing.

4. Dr. Tamea consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Tamea understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

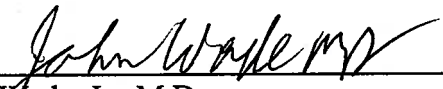
ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the Consent of Dr. Tamea, the West Virginia Board of Medicine hereby **ORDERS** that Dr. Tamea is **PUBLICLY REPRIMANDED** for making incorrect statements in connection with his May 17, 2007, Application for Renewal of License to


Practice Medicine and Surgery in the State of West Virginia, in that he failed to disclose the following: (1) that he had appeared before the Credentials Committee of the Florida Board for discussions or questions concerning potential violations of Florida law and rules pertaining to the practice of medicine; and (2) that his application for licensure in the State of Florida was approved subject to certain conditions, including the requirement that he work under the indirect supervision of a Florida licensed physician for a period of one (1) year.

The foregoing Order was entered this 12th day of May, 2008.

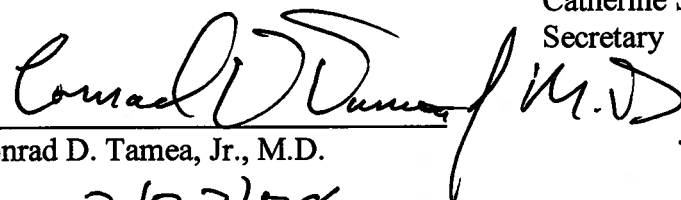
WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



Catherine Slemp, M.D., M.P.H.
Secretary



Conrad D. Tamea, Jr., M.D.
Date: 3/27/08

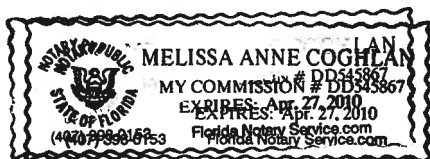
STATE OF Florida

COUNTY OF Hillsborough

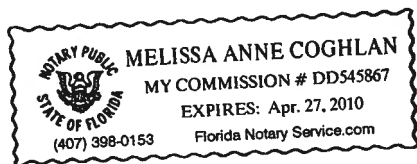
I, Melissa Coghlan, a Notary Public in and for said county and state, do hereby certify that Conrad D. Tamea, Jr., M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 27 day of March, 2008.

My commission expires 4/27/2010.



Melissa Coghlan
Notary Public



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STATE OF FLORIDA
BOARD OF MEDICINE

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Raamonde*
DATE APR 13 2007

IN RE THE APPLICATION FOR
LICENSURE OF:

Conrad D. Tamea, Jr., M.D.

NOTICE OF INTENT TO APPROVE LICENSURE WITH CONDITIONS

This matter came before the Credentials Committee of the Florida Board of Medicine at a duly-noticed public meeting on March 17, 2007, in Orlando, Florida, and the full Florida Board of Medicine on March 31, 2007, in Miami, Florida. The Applicant appeared before the Credentials Committee and presented testimony regarding the application file.

Pursuant to Sections 458.331(2) and 456.072(2), Florida Statutes, the Board may refuse to certify an applicant for licensure, restrict the practice of the licensee, or impose a penalty. Dr. Tamea's application file demonstrates that he may not be able to practice medicine with reasonable skill and safety, in violation of Section 458.331(1)(s), Florida Statutes.

It is therefore **ORDERED** that the application for licensure by endorsement be approved under the following conditions:

1. The Applicant shall submit documentation of completion of a general review course in orthopedics.
2. For a period of one (1) year, the Applicant shall work under the indirect supervision of a Florida licensed physician. Temporary approval of the supervisor and the proposed practice plan is delegated to the Credentials

Committee Chairman.

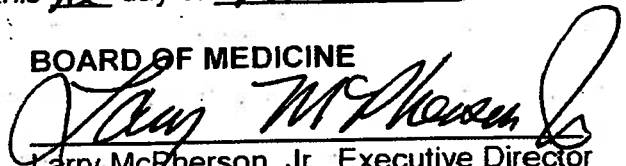
3. At least thirty (30) days prior to the conclusion of the year of indirect supervision, the Applicant's supervisor shall submit a report to the Chairman of the Credentials Committee. If the report is favorable, the Department is delegated to lift the indirect supervision condition at the conclusion of the one year period with no further action required by the Board.

This Order does not constitute disciplinary action against the license that has been approved herein. The terms of this Order are considered conditions for licensure.

This Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 12 day of APRIL, 2007.

BOARD OF MEDICINE


Larry McPherson, Jr., Executive Director
for H. FRANK FARMER, JR., M.D., CHAIR

NOTICE TO APPLICANT

You may seek review of this Order, pursuant to Sections 120.569 and 120.57, Florida Statutes, by filing a petition with the Executive Director of the Board, 4052 Bald Cypress Way, Bin #C03, Florida 32399-3253, within 21 days of receipt of this Order. If you dispute any material fact upon which the Board's decision is based, you may request a hearing before an administrative law judge pursuant to Section 120.57(1), Florida Statutes; your petition must contain the information required by Rule 28-106.201, Florida Administrative Code, *including a statement of the material facts*

which are in dispute. If you do not dispute any material fact, you may request a hearing before the Board pursuant to Section 120.57(2), Florida Statutes; your petition must include the information required by Rule 28-106.301, Florida Administrative Code.

Pursuant to Section 120.573, Florida Statutes, you are hereby notified that mediation pursuant to that section is not available.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to: **Conrad D. Tamea, Jr. M.D.**, 1135 Serpentine Drive South, St. Petersburg, FL 33705; and by interoffice mail to **Deborah Bartholow Loucks**, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050, on 13th of April, 2007.



Deputy Agency Clerk